

AMENDMENTS TO THE DRAWINGS

Applicant hereby amends FIGS. 1 and 2 to remove copy lines and center lines, to make the lines of a uniform definition, to label element 11' as element 11A in FIG. 2, and to correct the drawing numbers.

Attachment: 2 Replacement Sheets (FIGS. 1-3)

REMARKS

Claims 1-20 are all the claims pending in the Application.

Preliminary Matters

On October 14, 2008, Christopher Pfister, # 63,213, on behalf of Applicant, contacted the Examiner regarding an error in the numbering of the reference cited in the Office Action. On October 15, 2008, the Examiner confirmed that Hanafusa et al., referred to in the Office Action as US Pat. No. 5,405,039, should instead be numbered as US Pat. No. 4,913,305. Therefore, in this Amendment the reference will be referred to as US Pat. No. 4,913,305.

A Statement of Substance of Interview is attached.

Applicant thanks the Examiner for his time in resolving this issue.

Response to Arguments

In the response to the arguments presented in the Amendment filed on May 29, 2008, the Examiner refers to an amendment filed April 29, 2008, addressing the rejection of claims 1-18 under 35 U.S.C. § 102(b) under de Baets (US Pat. No. 5,513,769). For the purposes of this Amendment, Applicant assumes that this is a typographical error. De Baets is not of record in the present application, the Amendment was filed on May 29, 2008, and the Amendment addressed the rejections of claims 1, 2, and 5 under 35 U.S.C. § 102(b) under Komura (US Pat. No. 5,405,039), and claims 3, 4, and 6 under 35 U.S.C. § 103(a) under Komura. Applicant respectfully requests that the Examiner clarify his reference to the previous Amendment.

The Examiner asserts that the language “acting on” the cutting line can include indirect contact. In response, Applicant submits that claim 1 specifically recites that “the punching vertex is kept in place on the breakage segment” (emphasis added), and that claim 19 recites that the curved breakage segment is “defined by a variation in the curvature of the cut line, the

variation aligned with the punching vertex.” Applicant submits that, based on this claim language, the term “acting on” means “contacting” in the present application.

Drawings

The drawings are objected to. The Examiner asserts that FIGS. 1-3 of the present application improperly show copy lines and center lines, have improper line quality, that the numbering of the elements improperly contains inverted commas, and additionally that the drawing sheet numbers are improperly formatted.

By this Amendment, Applicant submits Replacement Sheets for FIGS. 1-3 to address these issues, and amends element 11’ to element 11A. Applicant respectfully requests that the objections to the drawings be withdrawn.

Specification

The title is objected to as allegedly not being descriptive. By this Amendment, Applicant amends the title to “EASY-OPENING LID WITH PUNCHING VERTEX THAT REMAINS ON CUT LINE FOLLOWING ROTATION,” and submits that as amended, the title is sufficiently descriptive. Applicant therefore requests that the objection be withdrawn.

Claim Rejections - 35 U.S.C. § 112

Claims 8 and 20 are rejected under 35 U.S.C. § 112, 2nd paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserts that the limitation “the attachment location” lacks sufficient antecedent basis. Claims 9-18 are also rejected as depending from claim 8.

Applicant submits that both claims 8 and claim 19, from which claim 20 depends, contain the language “a punch-tear away ring tab attached to the lid at an attachment location” (emphasis

added). Therefore, Applicant submits that there is proper antecedent basis in claims 8 and 20 for “the attachment location”, and that the claims are sufficiently clear and definite without amendment. Applicant further submits that claims 9-18 are patentable over the rejection at least by virtue of their respective dependencies.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3, 5, and 7-20 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Pat. No. 4,913,305 to Hanafusa et al. (hereinafter “Hanafusa”). Applicant respectfully traverses.

Regarding claim 1, Applicant submits that Hanafusa fails to teach at least the feature of “a curved breakage segment having a curvature center coinciding with the rivet for attaching the ring tab to the body of the lid, such that the punching vertex is kept in place on the breakage segment after an accidental rotation of the ring tab.” The Examiner asserts that this feature is taught by FIGS. 1-3 of Hanafusa. However, Hanafusa teaches that the lid 11 opens into “a large, smooth-edged, semi-circular opening.” See col. 3, line 4-6. As the lid breaks along a semicircular line 28, any breakage segment on the lid is necessarily at the center of the lid, not the rivet 36 of the tab 14. In fact, FIG. 1 of Hanafusa clearly shows the rivet 36 of the tab 14 is located away from the center of the lid 11, such that when the lid is folded over, it can cover the tab 14.

In comparison, the claimed invention claims a cut line comprising a breakage segment. This breakage segment is curved such that its center of curvature coincides with that of the attachment point of the tab used to open the lid. This construction allows the punching vertex of the tab to act on the breakage segment even if the tab is rotated. Hanafusa does not teach this feature.

Furthermore, since Hanafusa teaches folding the lid over such that the tab 14 is covered by half of the lid (see FIGS. 1-3), Applicant submits that Hanafusa does not even fairly suggest having a breakage segment with a curvature center coinciding with the rivet for attaching the ring tab to the body of the lid.

Therefore, Applicant submits that claim 1 is patentable over Hanafusa. Applicant further submits that claims 8 and 19 are patentable over Hanafusa for analogous reasons.

Additionally, as Hanafusa claims a “smooth-edged” opening, Applicant submits that it does not disclose “a variation in the curvature of the cut line” as claimed in claim 19.

Applicant further submits that claims 2-3, 5, 7-18, and 20 are patentable at least by virtue of their respective dependencies.

Claim Rejections - 35 USC § 103

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as allegedly being obvious over Hanafusa. Applicant submits that these claims are patentable over the cited art at least by virtue of their respective dependencies.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Chiambaram.S.Iyer/43,355

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

for Raja N. Saliba
Registration No. 43,078

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